

REMARKS/ARGUMENTS

The Office Action mailed October 11, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 7, and 15 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, such as in paragraph [0036], among others.

The 35 U.S.C. § 102 Rejections

Claims 1-13 and 15-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Itkis (U.S. Patent No. 4,856,787). Claims 1, 7, and 15 are independent claims. This rejection is respectfully traversed.

According to M.P.E.P. § 2131, a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Amended Claim 1 provides that there is “a single processor configured to access the memory to execute the machine readable game code.” Claims 7 and 15 provide for a similar limitation. This “results in a cost saving on a per game terminal basis or on a per game basis because certain devices, such as the processor and memory can be shared and configured to control multiple games” (Specification, [0007]).

The Office Action states that “figure 1, element 3 is a hard drive which would contain the machine readable game codes, which are necessary to successfully execute any games. ... all of the machines require specific machine codes or programs, which have to be executed in order for the machine to successfully initiate, therefore it would be inherent for Itkis to have machine readable game codes, implemented in his gaming system, in order to keep the gaming system functioning successfully.” Applicants respectfully disagree.

First, “inherency ... and its obviousness are entirely different questions. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown.” *In re Sportsman*, 363 F.2d 444, 448, 150 USPQ 449, 452 (CCPA 1966). Thus, an argument based on inherency cannot stand when there is no supported teaching of the inherency in the prior art, specifically in Itkis. Inherency and obviousness are distinct concepts. Applicant can not agree with the Office Action, in general, in regards to what is implicitly taught in Itkis when the Office Action extrapolates a suggestion in one instance to other instances where many methodologies may be utilized to accomplish the same result. There is no supported teaching of the inherency asserted in the Office Action in Itkis.

Second, assuming *arguendo* that the master game device of Itkis stores machine-readable game codes, Itkis also teaches that the slave devices are “intelligent (smart) game terminals comprising the microprocessor.” (Col. 2, lines 57-59). As such, the slave devices also have a processor to execute machine readable game code. Itkis teaches the use of at least 2 or more processors executing game code, namely the processor in the master game device and the microprocessor in the slave devices. Thus, Itkis does not teach the claimed limitation of a “single processor” as claim in Claims 1, 7, and 15.

Accordingly, Itkis does not teach each and every element as set forth in the claimed invention. Itkis does not teach “a single processor configured to access the memory to execute the machine readable game code to concurrently offer a game to the first player at the first game terminal and the second player at the second game terminal” as claimed in Claim 1. Claims 7 and 15 provide for similar features.

As to dependent claims 2-6, 8-14 and 16-20, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claim 14 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Itkis in view of Stepan et al. (U.S. Patent No. 4,621,814). This rejection is respectfully traversed. Claim 14

depends from independent claim 7. Thus, the argument set forth above is equally applicable here. The base claim being allowable, the dependent claim must also be allowable. It is respectfully requested that this rejection be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No.IGT1P277).

Respectfully submitted,
BEYER WEAVER LLP

/Adrienne Yeung/
Adrienne Yeung
Registration No. 44,000

P.O. Box 70250
Oakland, CA 94612-0250
(408) 255-8001